United Nations S/2012/149

Security Council

Distr.: General
12 March 2012

Original: English

Assessment report of the Secretary-General on the status of the negotiations in Cyprus

I. Introduction

1. This report provides an updated assessment of the state of the negotiations in Cyprus since my last report, of 8 August 2011 (S/2011/498).

2. From the outset, the United Nations has safeguarded the principle that this process is, and has always been, Cypriot-owned and Cypriot-led. The role of the United Nations has been to facilitate the talks and provide assistance, at the specific request of the sides. Both sides made a commitment in 2008 to take ownership and thus to bear responsibility for the process.

3. Since the beginning of full-fledged negotiations in September 2008, I have met six times with the leaders of the Greek Cypriot community and the Turkish Cypriot community: once with Demetris Christofias and Mehmet Ali Talat, the previous Turkish Cypriot leader, in Cyprus in January 2010; and five times with Demetris Christofias and Derviş Eroğlu, in New York on 18 November 2010, in Geneva on 26 January and 7 July 2011, in New York at the Greentree Estate on 30 and 31 October 2011, and again at Greentree on 23 and 24 January 2012. My Special Adviser, Alexander Downer, and his team have been available throughout the process to support the negotiations between the two sides.

II. Background

4. Building on a four-month preparatory phase, negotiations on all chapters began in September 2008, with joint papers and bridging proposals prepared by both sides. The main areas being covered by the negotiations are: governance and power-sharing, European Union matters, the economy, property, territory, security and guarantees, and citizenship. In 2010, the sides submitted comprehensive proposals on governance and power-sharing, as well as on property. Making slow but steady progress throughout 2010, the sides reached convergence on a number of issues within the chapters of governance and power-sharing, the economy and European Union-related matters. Nonetheless, it became increasingly clear that resolution of the outstanding core issues would require a different approach.

5. In November 2010, the sides agreed to step up the pace of the negotiations and to focus their efforts on achieving substantive agreements on remaining core issues

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across all chapters. With new momentum and renewed focus, further convergences were reached on the chapters of the economy and European Union matters, as well as on internal aspects of security and international treaties that would be binding on a united Cyprus. In 2011, the sides continued to chip away at the key outstanding issues relating primarily to governance and power-sharing, property and citizenship.

6. In my last report, which followed my meeting with the two leaders in July 2011, I was pleased to report the demonstrated commitment of both sides to reach convergence on all core issues by our next meeting, scheduled for October 2011. I reported that the two leaders had agreed to intensify the negotiations, improve the methodology of the talks and redouble their efforts. It was agreed that this new impetus would entail initiating a comprehensive approach on all core issues and identifying substantive trade-offs within and across chapters.

7. In support of the process, I have used the period since my last report to keep the resolution of the Cyprus question high on the agenda of the United Nations, as well as on the agenda of key regional and international leaders. This has become particularly important as a number of other pressing issues in the region have taken on greater immediacy. I have continued to discuss the Cyprus question with various Heads of State and senior officials, including the President, Prime Minister and Minister for Foreign Affairs of Turkey, Abdullah Gül, Recep Tayyip Erdoğan and Ahmet Davutoğlu; the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, David Cameron, and the Deputy Prime Minister, Nick Clegg; senior officials from the European Union; and Heads of State and Government of Denmark, Sweden and Switzerland. My Special Adviser has also continued to engage with senior officials who are pivotal to the process, particularly those of the three guarantor Powers, namely Greece, Turkey and the United Kingdom.

III. Status of the process

8. Since my last report in August 2011, the leaders have maintained a steady schedule of direct talks. As at the end of February 2012, they have met 33 times, while their representatives have met, separately, on 8 occasions. In addition, my Special Adviser and his team increased the pace of bilateral meetings with each side to assist in overcoming challenges, making use of the experts whom I made available to both sides. This process has been productive.

9. After our July meeting, the sides refocused negotiations on the core issues where progress was crucial in order for the talks to advance. This approach proved useful and, by the time I met with the leaders at Greentree on 30 and 31 October 2011, some positive movement was evident, particularly in the areas of the economy, European Union matters and internal aspects of security. At Greentree, the two sides showed willingness to compromise and, as a result, moved closer on core issues relating to governance and power-sharing, citizenship, property and territory. Moreover, both before and at Greentree, the sides engaged in a paring-down process that resulted in focusing on what both sides term as the "core core" issues: the election of the executive, the number of persons who would become citizens of a united Cyprus, and the basic design of a property regime.

10. The leaders assured me at Greentree in October 2011 that they believed that they could finalize a deal. With that assurance, I invited them back to Greentree in January 2012. Before that meeting, on 6 January 2012, I wrote to the two leaders

expressing the understanding that the talks had entered their final phase, and reviewing the steps for its implementation. I urged them to unblock the remaining obstacles in the negotiation so that substantive discussions at Greentree could open this pathway, leading to a multilateral conference and, ultimately, to a settlement. Both leaders responded by reiterating their commitment to a solution. It was my expectation that decisive moves on the three "core core" issues would be made at Greentree, adding to the considerable body of work already achieved by the two sides. However, while discussions at the meeting were robust and intensive, only limited progress was achieved.

11. Regarding the "core core" issues, the election of the executive remains at an impasse. With respect to citizenship, the sides have accepted an approach whereby an agreed number of persons from both sides would become citizens of a united Cyprus with the entry into force of a comprehensive agreement. On the issue of property, negotiations have arrived at the stage where the sides are exchanging data, which should assist them in reaching a common understanding based on their separate proposals. It is clear to both sides that full agreement on property will ultimately depend on the resolution of the question of territorial adjustment. The two sides have agreed that maps and figures will be discussed only in the period leading up to the multilateral conference.

12. Another crucial issue that remains unresolved is precisely how a settlement would be incorporated into European Union law. Both sides have put forward proposals that attempt to address some of the concerns of the other side. However, to date, neither side has found the other's proposals satisfactory.

13. Regarding the chapter of security and guarantees, internal aspects have largely been agreed. The external aspects of security can be resolved only in discussions with the guarantor Powers, as signatories to the Treaties of Guarantee and Alliance.

14. Ahead of the January 2012 meeting at Greentree, Cyprus 2015, a civil society group and partner in United Nations Development Programme (UNDP) Action for Cooperation and Trust in Cyprus (UNDP-ACT), shared a targeted policy brief with the two negotiating teams, which informed them about the state of public opinion on the issues under discussion and suggested ways forward in the peace process, including ensuring greater public ownership. The United Nations continues to encourage civil society engagement in the process.

15. Following recommendations submitted to the two leaders in July 2011 by the Gender Advisory Team, a civil society-based bicommunal group formed in 2009, the project team of bicommunal "ENGAGE: Do Your Part for Peace" initiative developed a process aimed at better integrating women's perspectives into reconciliation efforts. This process, called the "Active Dialogue Network", is aimed at supporting a platform for dialogue and exchange on the peace process and for incorporating a gender perspective into the peace process, as called for by the Security Council in its resolution 1325 (2000). The platform could also provide an opportunity for citizens to participate more in the process and influence policymakers. The women of Cyprus have an important stake in a durable solution to the Cyprus problem, as well as specific needs that would need to be addressed in the context of a settlement. I commend such initiatives from civil society organizations, including women's groups, which seek to contribute to the peace process.

IV. Observations

16. Since my November 2010 meeting with the leaders, both sides have worked on the difficult task of breaking down the complex Cyprus problem into its core issues. Through this approach, the sides continued to identify and address the most crucial elements of a solution to the Cyprus problem, and have made some additional progress in resolving them.

17. I came away from our first meeting in Greentree assured by the leaders that a comprehensive settlement could be achieved. However, no further convergences in the talks were reached before our second meeting at Greentree. I was disappointed with this lack of progress, and conveyed my disappointment to the leaders at Greentree in January.

18. In this Cypriot-owned and Cypriot-led process, it is up to the leaders to take the negotiations to a successful conclusion. Accordingly, I have reassured them that the United Nations does not seek to impose solutions. At the same time, I have repeatedly expressed my point of view that the negotiations should not be open-ended; the longer the talks have been drawn out, the more disillusioned the public has become and the harder it has become to conclude agreements.

19. At this advanced stage of the negotiations, it is important to recall that, since the start of the process, a significant number of convergences have been reached across various key chapters of the negotiations. As a Cypriot-led process, these achievements are entirely Cypriot-owned. At the moment, however, the negotiations on the "core core" issues that remain to be agreed, are close to deadlock. Despite the leaders' repeated commitments to intensify the negotiations and push for a conclusion as soon as possible, the fact that there has been such limited movement towards convergence on core issues in recent months is a matter of concern.

V. Conclusions

20. The leaders must now make decisive moves that will demonstrate that agreement is indeed within their grasp. They must focus their efforts on resolving the outstanding challenges. In particular, they must find a way to move beyond the existing deadlock on the election of the executive and advance more definitively on property and citizenship. Regarding property, while I understand that some aspects cannot be completely finalized until decisions are made on maps and figures relating to territory, it should now be possible for both sides to agree on a common understanding on property that is simple, clear, and contingent upon those decisions. I note with satisfaction that the sides have embarked on the exchange of data on property referred to in my statement following the second meeting at Greentree.

21. There is no doubt that the political environment in which the negotiations are currently taking place has become increasingly difficult. Nonetheless, it is incumbent upon the leaders to foster a more conducive atmosphere for the talks by refraining from engaging in negative rhetoric about each other and the process and by preserving the confidentiality of the talks. In addition to preserving the integrity of the process, decisive action in this regard would also contribute to building public confidence in its viability which, at present, is low.

22. Civil society also has a crucial role to play in building public confidence in the process. Unfortunately, civil society organizations, and women's groups in particular, remain outside the framework of the negotiations. I therefore call on the sides to step up their engagement with civil society and women's groups, with a view to building public confidence in the benefits of a settlement and ensuring that, once it is reached, the settlement is sustainable and truly representative of the needs and aspirations of all Cypriots.

23. The time for an agreement is now. The domestic, regional and international context is constantly shifting. The current window of opportunity is not limitless and there is little to suggest that the future will bring more propitious circumstances for a settlement. The United Nations remains convinced that if the necessary political will could be mustered on both sides, a durable settlement could be achieved in the interests of all Cypriots. I have full confidence in the efforts of my Special Adviser, Alexander Downer, and his team to support such an outcome.